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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,719	09/10/2003	Tadaaki Nagata	HGM-103-A	3896

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EXAMINER

BASINGER, SHERMAN D

ART UNIT PAPER NUMBER

3617

DATE MAILED: 09/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/659,719

Applicant(s)

NAGATA ET AL.

Examiner

Sherman D. Basinger

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/15/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Oath/Declaration

1. The declaration filed under 37 C.F.R. 1.63 in response to the notice of a missing or unsigned declaration has been received.

Drawings

2. Figure 8 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: figure 3 does not show reference numerals 39 and 41 of page 6, line 12. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the

examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because in figure 4 reference numeral 39 should be changed to reference numeral 40. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities: objection is made to paragraphs [048] and [049] because each paragraph references a claim (claim 1 or claim 2) whose scope and content could change so as to render the paragraphs in

question inaccurate. Further, paragraph [049] is not accurate with respect to claim 2 of claims 1-19 filed January 21, 2004.

Appropriate correction is required.

Double Patenting

6. Claims 18 and 19 are objected to under 37 CFR 1.75 as being a substantial duplicate of claims 11 and 12. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 2, 4-6, 8 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Chung.

The grip apparatus is shown in figure 1 of Chung. The language of claim 1 “for a personal watercraft having a deck and a seat on the deck, said rear grip apparatus provided for placement behind the seat and for being grasped by a passenger” is considered to be an intended use of the grip apparatus. So long as the grip apparatus

of Chung discloses the claimed structure and can perform the above intended use, it anticipates the above claims.

The body member having a U-shaped or an H-shaped cross section and comprising a sculpted recessed portion with an opening formed therein which faces upwardly is 12 of Chung. See figures 5A and 5B for the H shaped cross section.

The grip face member is the upper block 4.

As shown in figures 5A and 5B, the grip face member fits nestingly into the opening of the sculpted recessed portion.

The slip resistant texture of the grip faced member is provided by outside walls 41.

The ribs of claim 5 are clearly shown in figures 5A and 5B.

Figure 5A shows that the sculpted recessed portion of the body member has in some areas a tapered cross sectional shape. This is due to the curvature of the outer surface of the sides of the body member 12.

The tubular integral bosses are 42. With regard to claim 8 "to receive fasteners therein" is an intended use of the bosses. Since the bosses could receive fasteners therein due to the hollow interior of each, the bosses meet the claimed structure.

The holes in the grip face members are the openings at the free end of the bosses 42. Since the bosses facilitate attachment to the body member 24, the holes likewise due so.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3, 10-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chung in view of Emery, Jr.

Chung does not disclose that the grip face members 4 are a product of injection molding. Emery, Jr. teaches forming his mating shells by injection molding. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to form the blocks 4 of Chung by injection molding. Motivation to do so is to make them of a suitable plastic. The cost of making the blocks of plastic would be less than making them of some other materials.

With regard to claim 10, the language "for a personal watercraft having a deck and a seat on the deck, said rear grip apparatus provided for placement behind the seat and for being grasped by a passenger" is considered to be an intended use of the grip apparatus. So long as the grip apparatus of Chung as modified by Emery, Jr. discloses the claimed structure and can perform the above intended use, it makes unpatentable claim 10 and the above claims depending therefrom.

With regard to Chung, the body member having a sculpted recessed portion with an opening formed therein which faces upwardly is 12 of Chung. See figures 5A and 5B.

The grip face member is the upper block 4. As shown in figures 5A and 5B, the grip face member fits nestingly into the opening of the sculpted recessed portion. The slip resistant texture of the grip faced member is provided by outside walls 41.

The ribs of claim 5 are clearly shown in figures 5A and 5B.

Figure 5A shows that the sculpted recessed portion of the body member has in some areas a tapered cross sectional shape. This is due to the curvature of the outer surface of the sides of the body member 12. The tubular integral bosses are 42. With regard to claim 14 "to receive fasteners therein" is an intended use of the bosses. Since the bosses could receive fasteners therein due to the hollow interior of each, the bosses meet the claimed structure. The holes in the grip face members are the openings at the free end of the bosses 42. Since the bosses facilitate attachment to the body member 24, the holes likewise due so.

11. Claims 1, 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al in view of Chung.

Hattori et al discloses a rear grip apparatus 49 for a personal watercraft having a deck and a seat on the deck, the rear grip apparatus 49 provided for placement behind the seat and for being grasped by a passenger. The rear grip apparatus 49 of Chung has a body member to be grasped and has a generally u shaped rail portion and a bridge portion connecting opposed legs of the rail portion to define a generally A-shaped member.

Hattori et al does not disclose the rail portion as including a sculpted recessed portion with an opening formed therein which faces upwardly and a grip face member separate from the body member for placement covering the sculpted recess.

Chung discloses a handle with a body member having a U-shaped or an H-shaped cross section and comprising a sculpted recessed portion with an opening formed therein which faces upwardly, which is 12 of Chung. See figures 5A and 5B for the H shaped cross section. In Chung the grip face member is the upper block 4.

As shown in figures 5A and 5B, the grip face member fits nestingly into the opening of the sculpted recessed portion.

The slip resistant texture of the grip faced member of Chung is provided by outside walls 41.

The ribs of claim 5 are clearly shown in figures 5A and 5B of Chung.

Figure 5A of Chung shows that the sculpted recessed portion of the body member has in some areas a tapered cross sectional shape. This is due to the curvature of the outer surface of the sides of the body member 12 of Chung.

The tubular integral bosses are 42 of Chung. With regard to claim 8 "to receive fasteners therein" is an intended use of the bosses. Since the bosses could receive fasteners therein due to the hollow interior of each, the bosses meet the claimed structure.

The holes in the grip face members 4 of Chung are the openings at the free end of the bosses 42. Since the bosses facilitate attachment to the body member 24, the holes likewise due so.

Art Unit: 3617

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to make the rail of the grip area of the grip apparatus 49 of Hattori et al similar to how the handle of Chung is made, that is with a body member and grip face similar to those of Chung. Motivation to do so can be found in column 1, lines 8-13 of Chung.

12. Claims 3 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hattori et al and Chung as applied to claim 1 above, and further in view of Emery. The grip face members provided to Hattori et al in view of Chung 4 are not a product of injection molding. Emery, Jr. teaches forming his mating shells by injection molding. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains to form the blocks similar to blocks 4 of Chung provided to Hattori et al by injection molding. Motivation to do so is to make them of a suitable plastic. The cost of making the blocks of plastic would be less than making them of some other materials.

Conclusion


13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kobayashi is cited to show the hand grip 31.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherman D. Basinger whose telephone number is 703-308-1139. The examiner can normally be reached on M-F (6:00-2:30 ET).

Art Unit: 3617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel J. Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sherman D. Basinger
Primary Examiner
Art Unit 3617
9/8/04

Sdb
9/8/04